

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT JAMES PETRICK,)	
)	
Petitioner,)	
)	
v.)	1:13CV541
)	
FELIX TAYLOR, Administrator,)	
Pasquotank Correctional Inst.,)	
)	
Respondent.)	

ORDER

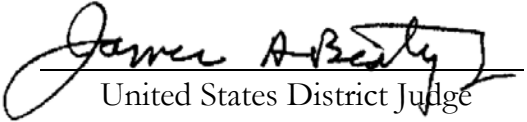
The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 17, 2013, was served on the parties in this action. Plaintiff objected to the Recommendation. [Doc. # 8.] Plaintiff also filed a request to alter the name of Respondent. [Doc. # 9.] The Court will grant that name change.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Petition be filed, as amended, but then dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the

defects of the current Petition once he exhausts his state court remedies. A Judgment will be entered contemporaneously with this Order.

IT IS FURTHER ORDERED that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.


United States District Judge

August 26, 2013